

#6/52
72-0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: GERARD VANACKER ET AL. Docket No.: 01-765
Serial No.: 10/019,715 Examiner :
Filed : December 28, 2001 Art Unit :
For : FIXING ELEMENT AND ANCILLARY
FOR STABILISING VERTEBRAE

900 Chapel Street
Suite 1201
New Haven, CT 06510-2802

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents and Trademarks
United States Patent & Trademark Office
Washington, D.C. 20231

Dear Sir:

In compliance with Applicants' duty of disclosure, the following patent documents are brought to the Examiner's attention:

European Patent Document No. 0 346 521

European Patent Document No. 0 535 623

U.S. Patent No. 5,562,663

European Patent Document No. 0 879 579

German Patent Document No. 41 07 480

European patent document 0 346 521 relates to an apparatus for connecting vertebrae including a rod and a fastener for connecting the rod with a vertebra of a spinal column. The fastener includes a screw having a threaded portion for connection with the vertebra. The screw has a head connected to one end of the threaded portion. The head includes a bight portion and a pair of spaced apart

resiliently deflectable legs extending from the bight portion. The pair of legs and the bight portion define a cavity in the screw head. The rod is receivable in the cavity in the screw head. A cap is receivable on the pair of legs and deflects the pair of legs to clamp around the portion of the rod received in the cavity in the screw head. The cap is retained on the screw so that movement of the rod relative to the screw is blocked.

European patent document 0 535 623 relates to an apparatus for use in retaining a longitudinally extending member in position relative to a spinal column. The apparatus includes a top entry hook assembly having a hook portion which is engageable with a spinal column. A body extends upwardly from the hook portion and has an open ended recess which extends through the body and is open along one side to enable a rod or longitudinal member to be moved into the recess through the open side. An end cap is engageable with the body to close the upper side opening. A clamp member or set screw is disposed at the center of the end cap to clamp the rod in the recess in the body. The end cap and body are interconnectable by different types of connectors including a bayonet connector, a linear cam connector, or a threaded connector.

U.S. Patent No. 5,562,663 to Wisniewski et al. relates to spinal implants with features for anchorage in or onto bone or to connectors. The spinal implants have a body with

an upwardly opening channel receiving a spinal rod therein. The channel has sidewall with a curved slot in each of the sidewalls. A cap is mounted on the implant body and has a central portion received in the channel and has tongues at each side of the central portion, the tongues being received in the curved slots in the sidewalls. A set screw threaded into the cap engages the spinal rod and clamps the rod between the body and the set screw and fixes the cap to the body. The curved slots enable installation of the cap in minimal space measured lengthwise of the rod. Each implant body has an integral bone screw, or bone hook, or lateral connector rod or parallel spinal rod receiving body thereon.

European patent document 0 879 579 relates to a pedicle screw assembly which consists of a screw having a part spherical head provided a saddle shaped contact surface for a connecting rod. The head is held in a coupling member allowing limited angular movement between the screw and coupling member in one plane only. This plane is at right angles to the contact surface. Surfaces are provided in the connecting member for supporting a connecting rod, which is securable in the coupling member by a cap engaging in the coupling member to clamp the connecting rod against the supporting surfaces while still enabling the screw to move angularly with respect to the coupling member.


Currently, Applicants have no translation of German patent document 41 07 480.

Copies of the above-mentioned patent documents and a listing on Form PTO-1449 are enclosed herewith.

None of the above-mentioned patent documents are believed to negate the patent ability of the present invention.

Respectfully submitted,

GERARD VANACKER ET AL.

By 
Barry L. Kelmachter
Attorney for Applicants

Area Code: 203
Telephone: 777-6628 ext. 114
Telefax : 865-0297

Date: March 11, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231

On March 11, 2002
(Date of Deposit)

Nicole Motzer

Name and Reg. No. of Attorney


Signature

March 11, 2002
Date of Signature

